

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-422

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Judge:

Complainant:

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**ORDER**

April 5, 2024

The Complainant alleged a superior court commissioner was biased and improperly precluded her from being around her step-kids in a domestic case.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Copies of this order were distributed to all appropriate persons on April 5, 2024.

This is a complaint against Honorable Judge . Case #:

On , Judge violated my constitutional rights to both the Fifth and Sixth Amendments.

Judge made an order in a case I am not even a party of that concluded I suffered from a mental health issue and am not safe to be around my stepchildren.

No evidence was presented to back this claim.

I will reiterate, that I am not even a party in this case.

I was denied my constitutional right to defense.

I was denied my constitutional right to due process.

I have contacted the Judge's assistant who has confirmed they will not grant me the right to defend myself and I have no right to appeal this unlawful order.

The process of obtaining an IAH in AZ is clear. If the party requesting the order wanted an IAH, she was to request one with the on-duty IAH officer using the IAH request form. In addition, the criterion for requesting an IAH is at least two acts of harassment in the past year. Had she requested the IAH in the proper way, I would have been at the very least allowed my constitutional right to defend and appeal. However, her claim does not meet the minimum criteria for an IAH in AZ. My relationship with my stepsons does not qualify for an EPO.

The party only presented one act without any evidence and with no context. The evidence presented had nothing to do with my stepchildren. Again, I was not given the right to defend myself in any manner. However, since I am not even a party in a case this was an inappropriate venue to hear these claims.

Judge accepted a non-verified recording and a non-verified transcript as evidence. This is in violation of the rules of evidence.

In addition to this, Judge personally knows *I have had an IAH against the requesting party for the last years and it ended just days before she filed this complaint and my IAH was for the exact defamatory comments made in her claim.*

He has refused to seal these defamatory motions and orders against me in violation of Rule 17.

He is arbitrarily making orders against my husband and me in retaliation for submitting complaints about him in the past.

He has ordered my husband to have another psychological evaluation despite having already submitted one. He has never required respondent/mother to disclose her extension psychological history in accordance with family law rules. He has made a decision about my psychological

health without any medical records or professional determination, but made no question about their stepfather's psychological health after he violently assaulted one of them.

In addition, both of my stepsons have repeatedly reported being abused and molested by their mother and stepfather. No orders were ever made to protect the children against the stepfather or mother. He has been presented with this evidence. He has been presented with evidence that the mother is intentionally withholding dental and medical care from my stepsons. His bias is preventing him from following AZ laws regarding parenting time and legal decision-making.

In addition, both of my stepsons have repeatedly reported being abused and molested by their mother and stepfather. Forensic interviews show the boys' disclosure of abuse and molestation. Medical records prove the injuries. No orders were ever made to protect the children against the stepfather or mother, in fact the rule 48 filed was immediately denied despite evidence meeting more than the basic requirements for a Rule 48. Because of his personal bias, he is choosing not to believe the abuse of the children. It is not based on any legal or psychological professionals' opinion. It is strictly based on his personal bias. Most notably in a hearing he joked " " Admitting his personal bias to choose not to believe the children disclosing abuse despite multiple forensic and medical records proving the abuse.

He will not listen to the recordings of the boys plainly disclosing the abuse and the DV they are forced to endure at their mother's home.

He has been presented with this evidence. He has been presented with evidence that the mother is intentionally withholding dental and medical care from my stepsons. His bias is preventing him from following AZ laws regarding parenting time and legal decision-making and now even following basic procedure.

AZ law states Family Court judges have to consider: "

" My stepchildren are extremely close to both me, my husband, and my husband and I children (their siblings). They are extremely close to their paternal grandmother and aunt and uncle. Mt stepchildren are not close to their step father, they are terrified of him. They are not close to their step siblings at that house. They repeated report bullying and being physically assaulted by them. Again, this is well documented in forensic and DCS records available to the judge.

Judge ordered in the children were to receive a full forensic psychological evaluation and the evaluator was to be picked by the children's pediatrician. The children mother and attorney blocked this because they are afraid of what the report will say. The children were supposed to be awarded a guardian ad litem/ court appointed evaluator. The children's mother and her attorney have intentional delayed this process for months. Judge has given full control to an abusive mother and stepfather who are known to both coach and threatened the children. They have full control to continue this alienation because the court appointed advisor can even make her recommendations.

According to AZ law he needs to consider: “Which parent is more likely to encourage frequent and continuous contact with the other parent.”

Additionally, he has alienated the children from their entire paternal family.

In \_\_\_\_\_ of \_\_\_\_\_, respondent and her counsel motioned to prevent my family from moving the \_\_\_\_\_ where my extended family was. We were not taking the boys with us, we were entering into a long distance parenting plan. Respondent/mother is the only one who has ever abducted the boys.

Judge \_\_\_\_\_ granted their motion preventing us from moving without trial. It was not a Rule 48. We were again denied due process.

We appealed his decision days after in \_\_\_\_\_ of \_\_\_\_\_. He refused to even address the motion.

Respondent/mother does not live in \_\_\_\_\_ County. She voluntarily removed the children from their home of \_\_\_\_\_ County years ago without asking the court. Judge \_\_\_\_\_ determined “\_\_\_\_\_” in the original divorce decree. Despite this being in direct violation of AZ law that states he must have considered: “The children’s adjustment in each of their parents’ homes, schools, and the surrounding communities.” Had we moved, it would be inappropriate for the case to continue in \_\_\_\_\_ County.

Judge \_\_\_\_\_ is holding my family hostage in \_\_\_\_\_ County so he can continue to destroy the boys’ relationship with their paternal family and allow respondent and her counsel to abuse the family court process.

In a \_\_\_\_\_ trial Judge \_\_\_\_\_ chastised my husband and his attorney by stating “

\_\_\_\_\_” My husband had asked for clarifying language in an absurdly vague parenting plan. He also asked that the parenting plan match the judge’s own previous orders. This is in direct violation of the rule that requires Judges to minimize conflict as much as possible between parties and create clear parenting plans.

It is clear Judge \_\_\_\_\_ cannot remain unbiased and consider the actual evidence in this case, so much so that he is now making orders affecting non-parties with no due process.. He needs to recuse himself.